

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH AGEE,) CASE NO.: C08-0429-RSL
Petitioner,)
v.) ORDER DISMISSING § 2254
PETITION
JEFFREY UTTECHT,)
Respondent.)

)

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's § 2254 petition (Dkt. No. 9) and this action are DISMISSED without prejudice; and
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 9th day of February, 2009.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge